



OFFICE OF THE
T O W N C L E R K
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SPECIAL TOWN MEETING
November 7, 2005

After determining that a quorum was present, the Special Town Meeting was called to order at 7:07 pm. by Moderator Anne Farina. Announcements included an open house invitation, in honor of Veteran's Day, extended by Peter Georges, Veteran's Agent for the Town, to all Veterans who are residents of the Town, to be held on Friday, November 11, 2005 at the Town Highway Garage. Following this announcement, the Moderator requested a moment of silence "to honor the late Rosa Parks, the first woman to lie in state at the Capital Rotunda. Fifty years ago Ms. Parks reminded us that our Constitutional rights, although guaranteed to all of us, must be exercised by each of us." Vote counters for the evening were Cheryl Mann and Brett Rock. The voter check-in table was supervised by Amy Schembechler.

Cub Scout Pack 28 members recognized were Zachary Berard [American Flag], Alex Richmond [Dunstable Town Flag], Matthew Fenn [Pack 28 Flag], Brogan Walsh and Liam Wash [Den 6 Flag] and Color Guards Collin Sullivan, William Frey and Daniel Faubel [Tiger Scout].

Following the Pledge of Allegiance, the Town Clerk read the greetings; a motion was made and seconded to dispense with the reading of the articles, ending with the closing of the warrant and return of service.

ARTICLE 1. Motion made and seconded that the Town approve the \$2,500,000.00 borrowing authorized by the Groton-Dunstable Regional School District Committee on October 6, 2005, to pay additional costs of acquiring land for the purpose of locating the new District High School, including the payment of all other expenses incidental and related thereto, said vote having been approved by the District and the Town of Dunstable for the purpose of expediting tax rate certification by the DOR Director of Accounts.

A brief presentation was made by Frank O'Connell, Vice Chairman of the Groton-Dunstable Regional School Committee. The reason for this meeting is that the Department of Revenue has determined that both towns must have town meeting authorization in place before approving a tax rate for this year. This prevents the Town from sending out tax bills, resulting in no revenue coming into the Town. The sequence of events leading up to, and following the eminent domain land taking was then reviewed [see handout on record]. Frank explained that it is the opinion of the school committee that certain procedural issues were not followed and a more

favorable judgment may come forward. The District has an obligation to maintain the confidentiality of the appeal as long as it is under litigation. This article authorizes debt borrowing. Current funds to offset this debt include excess land authorization [\$2.4 authorized vs. \$1.8 paid], high school building fund [approx. \$300K], E&D fund.

Dana Metzler, Chairman of the Advisory Board stated that it is imperative that this article be approved. - With no receipts until January, we are forced to borrow. Dunstable's portion of the \$2,500,000.00 would be \$580,000.00 paid over a 20 year period. The Advisory Board voted in support of this article with one abstention. Susan Psaladeakis, Chairman of the Board of Selectmen stated that the Board of Selectmen endorses this article. Following the borrowing, the estimated tax burden [most likely FY08] would be \$60 per year on a \$300,000.00 home.

Majority Vote Required
Yes: 89 No: 6
Voted in the Affirmative

ARTICLE 2. Motion made and seconded that the Town accept the provisions of Massachusetts General Law Chapter 59, Section 57C for the purpose of adopting and/or establishing a quarterly tax payment system effective with fiscal year 2007 taxes.

The Board of Selectmen and Advisory Board unanimously endorse this article. The majority of towns within MA issue quarterly tax bills. The less money borrowed, the more it helps our finances.

Majority Vote Required
Voted in the Affirmative

ARTICLE 3. Motion made and seconded that the Town appropriate the sum of \$735,000.00 for the purpose of acquiring for conservation and passive recreation purposes, by eminent domain, negotiated purchase, deed, or otherwise, certain real property together with any improvements thereon, known as the Kathleen Henry property situated on/near High Street and on the Salmon Brook, being a portion of Assessor's Parcel No. 15-9-0, and being a portion of the premises described in a deed dated December 9, 1985, recorded with Middlesex North District Registry of Deeds, Book 3278, Page 66; said premises being shown in substance as "Proposed Lot A, 26 acres, more or less," including a parcel of 1.6 acres linking the larger portion of the parcel with High Street, on a draft plan prepared for Richard Henry by Flaherty Associates of Chelmsford, dated April 23, 2003, revised July 13, 2005; hereby authorizing the Conservation Commission to affirm and approve in their discretion the final boundaries of the parcel to be acquired; and in order to effect such appropriation, to carry out the following financial measures:

- Transfer from the Conservation Timber Fund [Town Forest account] the sum of \$23,284.96
- Transfer from the Conservation Timber Trust held in relation to the Spaulding Proctor Reservation the sum of \$58,555.16
- Transfer from the Conservation Land Fund the sum of \$54,052.39
- Authorize the Treasurer with the approval of the Selectmen to borrow pursuant to Chapter 44, Section 8C of the General Laws as amended, or any other law, the sum of \$599,107.49

Thereby aggregating \$735,000.00 for the entire appropriation; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as amended, and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of Dunstable, and that the Conservation Commission, together with the Board of Selectmen if necessary, be authorized to prepare and submit on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts as deemed necessary under the Self-Help Act, so-called [Chapter 132A, Section 11] and/or any other provision of law appropriately connected with the scope of this Article, and the town and the Conservation Commission be authorized to enter into any and all agreements, execute any and all instruments, accept instruments of conveyance on behalf of the town, or otherwise do all things reasonably necessary and ordered to these purposes.

Conservation Commission member Alan Chaney's presentation summarized the motion [handout entered into record]. The Self-Help program is a state grant program that provides reimbursements to selected municipalities towards the purchase of land for conservation and passive recreation purposes. Following the submission of documentation and appraisals, the Town of Dunstable qualified for a 58% self-help reimbursement rate of the accepted appraisal value. Dana Metzler, Chairman, Advisory Board stated the Board is in full agreement of purchasing this land. The Board of Selectmen unanimously supports this article and encourages voters to vote "yes". The question of amending the motion to strike the words "eminent domain" was raised but Town Counsel Richard Larkin advised against it, citing the possibility of technical title issues.

2/3 Vote Required. Total votes: 104 [70 votes in the affirmative to pass the motion]
 Yes: 100 No: 4
 Motion passes

ARTICLE 4. Motion made and seconded that the Town authorize the transfer of Four Thousand [\$4,000.00] Dollars from the Highway Machine Reserve Fund into the Highway Snow Removal account for the purchase of snow removal equipment.

Majority Vote Required
 Voted in the Affirmative

Motion made and seconded to adjourn at 8:30 pm. Total number of voters checked in at the Special Town Meeting of November 7, 2005: 114.

Authorization to Borrow [Groton-Dunstable Regional School District]	\$ 2,500,000.00	
Transfer from Conservation Timber Fund [Article 3]:		23,284.96
Transfer from Conservation Timber Trust held [Spaulding Proctor Reservation] [Article 3]:		58,555.16
Transfer from Conservation Land Fund [Article 3]:		54,052.39
Authorization to Borrow pursuant to MGL Chapter 44, Section 8C [Article 3]:		599,107.49
Transfer from Highway Machine Reserve Fund to Highway Snow Removal [Article 4]:		4,000.00
Total Transfers		\$139,892.51

Quorum Certificate

In accordance with The Town of Dunstable's Town Meetings, Town Elections & Records Bylaw, I hereby certify that the quorum for an Annual or Special Town Meeting is 50 registered voters of the Town of Dunstable.

Total number of voters checked in at the Special Town Meeting of November 7, 2005: 114.

Respectfully submitted,

Carol A. Skerrett
Town Clerk

Date: November 15, 2005